United Nations A/AC.109/2012/11

General Assembly

Distr.: General
5 March 2012

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

American Samoa

Working paper prepared by the Secretariat

Contents

		Page
	The Territory at a glance	3
I.	Constitutional, legal and political issues	4
II.	Budget	6
III.	Economic conditions	7
	A. General	7
	B. Fisheries and agriculture	7
	C. Tourism	8
	D. Transport and communications	9
	E. Water, sanitation system and utilities	9
IV.	Social conditions	10
	A. General	10
	B. Labour and immigration	10
	C. Education	11

Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted on 23 January 2012 to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Further details may be found in previous working papers available from www.un.org/en/decolonization/workingpapers.shtml.

Please recycle

D. Public health 11
E. Crime and public safety 12
V. Environmental protection and disaster preparedness 12
VI. Relations with international organizations and partners 13
VII. Future status of the Territory 13
A. Position of the territorial Government 13
B. Position of the administering Power 13
C. Action by the General Assembly 14

The Territory at a glance

Territory: American Samoa is a Non-Self-Governing Territory under the Charter. It is an unincorporated and unorganized territory of the United States of America, administered by the Office of Insular Affairs of the United States Department of the Interior.

Representative of administering Power: United States Department of the Interior, which has a representative resident on the ground.[a]

Geography: Located in the South Pacific, approximately 3,700 kilometres south-west of Hawaii and 4,350 kilometres north-east of Australia. The territory consists of seven islands: Tutuila and Aunuu, in addition to Ofu, Olosega and Ta'u (known as the Manu'a Islands) and the two coral atolls of Swains and Rose.

Land area: 200 km².

Exclusive economic zone: 404,391 km².[b]

Population: 55,519 (2010 estimate).

Ethnic composition: Native Pacific Islander: 91.6 per cent; Asian: 2.8 per cent; White: 1.2 per cent; Other ethnic origin: 2 per cent.

Languages: English, Samoan.

Seat of Government: Fagatogo.

Head of territorial Government: Governor Togiola T. A. Tulafono.

Main political parties: Democrat, Republican.

Elections: The most recent elections were held in November 2008; the next elections are due in November 2012.

Legislature: Bicameral "Fono", or legislative assembly.

Gross domestic product (GDP) per capita: $7,190 (2009 chained-dollar estimate).

Economy: Fishing and agriculture.

Unemployment rate: 29.8 per cent (2005 estimate).

Monetary unit: United States dollar.

Brief history: It is believed that the Samoan archipelago was settled some 3,000 years ago by people migrating from South-East Asia. The Dutch were the first Europeans to discover the islands in 1722 and Dutch settlers arrived in the early 1800s, followed by missionaries in 1830. The 1899 Treaty of Berlin, also known as the "Anglo-German Samoa Convention", apportioned to the United States the eastern islands of the Samoan archipelago.

[a] Secretary's Order 2657 of 29 August 1951 and Secretary's Order 3009, as amended, of 3 November 1977, set forth the extent and nature of the authority of the Government of American Samoa and the manner in which the authority is to be exercised (see the Electronic Library of Interior Policies, United States Department of the Interior).

[b] Exclusive economic zone data from the "Sea Around Us" project, a collaboration between the University of British Columbia and the Pew Environment Group (www.seaaroundus.org).

I. Constitutional, legal and political issues

1. By the late 1800s, internal strife among the chiefs of the islands of the Samoan archipelago and struggles among the colonial Powers of Germany, the United Kingdom of Great Britain and Northern Ireland and the United States led to a period of instability. Deeds ceding these islands to the United States from the early 1900s were accepted by an Act of Congress on 20 February 1929. Pursuant to that Act, American Samoans were given the status of United States nationals. The Act provided for an American Samoan Government with all civil, judicial and military powers to be vested in a designee of the President of the United States. As the United States interest in the area had been mainly military, the Territory was placed under the jurisdiction of the United States Navy. On 29 June 1951, Executive Order 10264 of the United States President transferred administrative responsibility for the Territory to the Department of the Interior.

2. American Samoa is an "unincorporated and unorganized" Territory under United States law. Not all provisions of the United States Constitution or of United States law apply. Residents of American Samoa are not United States citizens. They are United States nationals who can freely enter the United States and work or reside anywhere they choose. Children born in the Territory to foreign parents become citizens of either the mother's or the father's country of origin, not United States nationals. American Samoans may not vote in general elections in the United States, but are permitted to participate in presidential primaries and caucuses.

3. The 1960 Constitution of American Samoa was revised in 1967 and subsequently amended in 1970 and 1977. Any amendments or modifications to the Constitution of American Samoa (as approved by the Secretary of the Interior) may be made only by an Act of the United States Congress. In 2008, a referendum that would have revised an aspect of the Constitution was narrowly defeated. The June-July 2010 Constitutional Convention proposed amendments or revisions to the current Constitution, including those related to the prohibition of further individualization of communal lands in the Territory, the establishment of an impartial jury in all criminal prosecutions, the enhancement of the Samoan language and culture in the educational system, the management and preservation of the natural resources of the Territory in accordance with local laws, and the provision for an impeachment of the Territory's leaders. However, at the November 2010 general election, the voters overwhelmingly defeated the proposed changes.

4. The Territory's Constitution provides for separate executive and legislative branches and an independent judiciary. The executive branch comprises a Governor and a Lieutenant-Governor elected for four-year terms by universal adult suffrage. All American Samoans over 18 years of age are eligible to vote. The Governor is responsible for executing both American Samoan and United States laws and has veto power with regard to legislation passed by the "Fono", the American Samoa legislature.

5. In November 2008, Governor Togiola T. A. Tulafono was re-elected, as was Lieutenant-Governor Faoa Ipulasi A. Sunia. Their terms of office will expire in November 2012, when the next elections are due to be held.

6. The Fono is a bicameral legislature, comprising an 18-member Senate, whose members are chosen by 14 tribal councils, and a 21-member House of Representatives, 20 of whom are elected by popular vote and 1 of whom is

appointed as a non-voting delegate from Swains Island. Only a "matai", the traditional chief of an extended family, or "aiga", can become a senator. Senators hold office for a four-year term and representatives for a two-year term. The Fono may pass laws with regard to all local affairs, provided that they are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements.

7. Since 1981, American Samoa has elected by direct vote a delegate to the United States House of Representatives for a two-year term. The delegate may vote in committees and on the floor except on final passage. During the 2010 general election, Mr. Eni F. H. Faleomavaega was re-elected for a twelfth consecutive two-year term to the United States Congress.

8. The judiciary system consists of a High Court, for which the Chief Justice and the Associate Justices are appointed by the United States Secretary of the Interior, and the local district and village courts, for which the judges are appointed by the Governor. The High Court is separated into Appellate, Trial, Land and Titles, and Family, Drug and Alcohol divisions. The United States Congress has granted limited federal jurisdiction to the High Court to hear certain cases involving federal statutory issues. Examples of federal judicial power delegated to the High Court include the authority to decide Occupational Safety and Health Administration issues and ship mortgage actions in American Samoa. Other matters of federal law arising in the Territory are adjudicated in the United States district courts, mainly the federal courts in Hawaii and Washington, D.C. Since American Samoa is not part of a United States federal judicial district or circuit, there are no statutory provisions for appealing decisions of the High Court to a federal district court.

9. In his statement at the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism: goals and expected accomplishments, held in Saint Vincent and the Grenadines from 31 May to 2 June 2011, the representative of American Samoa recalled that, in the past, the Territory had requested the Special Committee to remove it from the list of Non-Self-Governing Territories because its "unincorporated and unorganized" status was akin to that of a self-governing Territory. He noted that, while the Territory's position was unchanged, it was time to be more concerned about how American Samoa could progress politically and economically while respecting the concerns of the United States and the United Nations in the process. He stated that American Samoa wished to move forward on issues of political status, local autonomy, self-governance and economic development. He noted that, in the light of the positions of the parties involved, nothing prevented the Territory, the administering Power and the United Nations from cooperating with the general objective of placing American Samoa on a path to greater local autonomy, self-governance and economic development.

10. He recalled the devastating effects of the United States decision to implement legislation in the Territory to put the minimum wage on a par with that of the United States, a decision taken without local consultation or appropriate study. Following efforts in the United States Congress, a study measuring the impact of the change in minimum wage had confirmed the serious damage that the initiative had inflicted on the economy and, consequently, the scheduled minimum wage increases had been delayed pending further study.

11. He also stressed that loss of local control over immigration and Customs could severely harm the Territory's economy, and highlighted the difficulties that the Territory faced in complying with federal requirements. Lastly, he pointed out that the lack of technical assistance and expertise truly to understand the effects of federal laws on the economy and form of government were extremely detrimental. In that regard, American Samoa could benefit from United Nations expertise and programmes.

12. In a letter to the Chair of the Special Committee in September 2011 in response to statements made at the Caribbean regional seminar, the representative of American Samoa to the United States Congress, Mr. Eni F. H. Faleomavaega, highlighted the importance of resolving the ambiguities in the two deeds of cession that formed the basis of American Samoa's relationship with the United States before seeking further negotiations on the Territory's political status. He recommended that the leaders of Tutuila, Aunuu, Swains Island and Manu'a should officially declare a union as one political entity or governing body and that a territorial convention should be called to discuss the existing political relationship with the United States. Subsequently, the Government of American Samoa should officially declare a statement of principles underlining the desire of the people of American Samoa either to amend some provisions of the two deeds or establish an entirely new agreement with the United States. The Government should then call a constitutional convention and organize a Government on the basis of the terms and conditions outlined in the agreement and not the Constitution of the United States.

13. He also pointed out the current and historic relationship between the Territory and the Special Committee, noting that the Committee had no authority to alter the relationship between American Samoa and the United States. In relation to the minimum wage law, he drew attention to the racism, gender inequality and prejudices to which American Samoan workers had fallen victim over the past 55 years. He noted that the wage increase was not the root cause of the collapse of the local economy and the tuna industry, suggesting that other factors such as the global recession, increased production costs, high fuel costs and better tax incentives elsewhere must also be considered. He further noted that the problems facing American Samoa were complex and could not be attributed to either the wage increase or the federal Government. Lastly, he expressed the hope that the United Nations would uphold the United States position that the Special Committee had no authority to alter in any way the relationship between the United States and American Samoa and no mandate to engage the United States in negotiations on the status of the Territory.

II. Budget

14. In October 2011, the Governor of American Samoa signed into law, albeit with some objections, the final budget of the fiscal year 2012, which began on 1 October 2011. The total budget for the new fiscal year amounts to $382.94 million. The initial budget stood at $470.83 million, but was reduced by the Fono to $383.22 million as the American Samoa Power Authority (ASPA) received a budget only for the first quarter of the fiscal year.

III. Economic conditions

A. General

15. As noted in the previous working paper (A/AC.109/2011/12), in 2007 the United States Congress passed legislation authorizing a minimum wage increase in American Samoa and the Commonwealth of the Northern Mariana Islands. This legislation established an annual increase of $0.50 per hour until the wages equalled the federal minimum wage. Efforts by the American Samoan authorities, concerned about the negative effects of the legislation, led to the suspension of the measure in 2010 and 2011. Although the annual wage increases of $0.50 are scheduled to resume on 30 September 2012, on 16 December 2011, the United States Senate passed a bill, the Insular Areas Act, which includes a provision to delay the wage increases until 2015. The bill is currently awaiting consideration by the House of Representatives of the United States Congress. The current minimum wage in American Samoa is $4.18 (the minimum wage in 2006 ranged from $2.68 to $4.09, depending on the industry in which the worker was employed).

16. Under the American Recovery and Reinvestment Act of 2009, American Samoa has received 67 awards (66 grants and 1 loan) for a total of $208,073,617. The funds received between 17 February 2009 and 30 September 2011 totalled $59,992,020. The Act required that the United States Government Accountability Office should report annually on the impact of the minimum wage increases (not later than 1 September 2011, 1 April 2013 and every two years thereafter until the minimum wage in the Territory met the federal minimum wage). The study should focus on key industries (tuna), employment and earnings since the beginning of the wage increases. The first report was published on 23 June 2011 and presented on 23 September 2011 to the Committee on Natural Resources of the House of Representatives of the United States Congress. The main findings are presented herein.

17. In June 2011, the Bureau of Economic Analysis published the second GDP estimates for American Samoa and other United States territories, covering the period 2008-2009. Since 2009, in collaboration with the Department of the Interior's Office of Insular Affairs, under the Statistical Improvement Program, the Bureau produces such estimates with the aim of providing a comprehensive and objective measure of economic activity for the territories to support economic and financial decisions. According to the Bureau, the long-term goal of its joint effort with the Office of Insular Affairs is to integrate American Samoa and the other United States territories into the estimates of national GDP and the national income and product accounts, which are essential to a better understanding of the territories' economies.

18. The Territory's largest trading partner is New Zealand, followed by the United States, Australia, India, Indonesia and Japan. As previously reported, American Samoa imports some 90 per cent of goods and products, including food and petroleum products, machine parts, building materials, textiles and clothing.

B. Fisheries and agriculture

19. The Government Accountability Office report reflects concerns about American Samoa's loss of competitive advantage in the global tuna canning industry. The analysis presented shows that moving tuna processing plants to other

tariff-free countries with lower labour costs would significantly cut operational costs in the industry. The competitive advantage of American Samoa is severely compromised by the duty-free treatment granted by the federal Government to other countries such as Canada and Mexico, which benefit from provisions under the North American Free Trade Agreement that lifted tariffs in January 2008. The study also points out, however, that, the obvious advantages of moving operations to other countries notwithstanding, factors such as the remaining cannery's lease obligation up to and including 2013 and the cost of building new plants may hamper near-term relocation.

20. The company that owns the Samoa Tuna Processors cannery (formerly the Chicken of the Sea cannery) has begun shipments to the mainland United States. To support the local fishing industry, it will process and export fresh-chilled and frozen tuna while maintaining its focus on canned tuna processing. It is currently building a processing plant with cutting-edge features. In January 2011, the company Starkist Samoa was granted a tax exemption for the coming two years. This benefit had expired in 2010 and the plant had been operating for more than six months without tax incentives. Following the re-establishment of the tax exemption, the company plans to step up its production levels and hire additional workers.

21. The United States Congress approved the tax exemption and an additional one-year postponement of the minimum wage increase with the aim of supporting the tuna processing industry and helping American Samoa to regain its global competitiveness. American Samoa's Congressman has committed himself to obtaining from the United States Congress a review of the tax exemption policy, which applies only to companies already established in the Territory, in order to extend the benefits to new companies wishing to establish operations in American Samoa, including Tri Marine International, which recently acquired the tuna processing plant that closed in 2009.

22. Almost 90 per cent of all farms in the Territory operate on a subsistence basis, and prospects for agricultural development continue to be limited owing to the small amount of level land suitable for cultivation. At the same time, farmers in American Samoa benefit from assistance provided by the Natural Resources Conservation Service of the United States Department of Agriculture and its Environmental quality incentives programme.

C. Tourism

23. Its tremendous potential notwithstanding, American Samoa remains relatively unrecognized by tourists, possibly because of its remote location.

24. In his 2011 State of the Territory address, the Governor said that he would continue to seek support from the United States Congress and the Department of the Interior to address the air transportation problem between American Samoa and Hawaii. In his view, the cabotage laws stood in the way of the Territory developing the tourism industry. The fares between Hawaii and the west coast of the United States were estimated at $500, while those between Hawaii and American Samoa were estimated at $1,200 or more. The situation, in his view, undermined any plans to develop tourism in the Territory. He also intended to request permission for flights between American Samoa and Australia, China, New Zealand and the Republic of Korea.

25. The tourism industry comprises approximately 7 per cent of the economy. A few businesses sell exclusively to the local market. According to the Visitors Bureau, in 2010 the Territory had 249 hotel rooms operating at less than 50 per cent occupancy.

D. Transport and communications

26. There are approximately 180 kilometres of public and primary paved roads and 235 kilometres of secondary village roads in American Samoa. The Federal Highway Administration Hawaii Federal-Aid Division has approved $49.3 million in emergency relief funds for the Territory's roads that were damaged by the earthquake and the tsunami in September 2009.

27. Pago Pago harbour, an all-weather deep-draught harbour, is one of the best natural deep-water harbours in the South Pacific and is of strategic importance to the region. The main dock is 1,000 feet long, handling ships of up to a 32-foot draught. The harbour provides the full complement of equipment and facilities. The ship repair facility features a 3,000-ton marine railway.

28. The four airports in the Territory are situated on the islands of Tutuila, Ofu, Olosega and Ta'u, respectively. Pago Pago International Airport is owned and operated by the territorial Government. The main airport is regularly served by a number of airlines that link American Samoa with Hawaii and the continental United States as well as other countries in the South Pacific. Within the Territory, Inter Island Airways offers regular flights to Ofu, Olosega and Ta'u.

29. The Territory has three FM stations and three AM stations, serving approximately 57,000 radios. One Government-owned television station broadcasts over three channels to approximately 14,000 television sets. Internet access is provided by the American Samoa Telecommunications Authority, a semi-autonomous government agency.

E. Water, sanitation system and utilities

30. ASPA provides water, wastewater, solid-waste and electric services to customers on five of the seven islands. The Authority provides drinking water to 90 per cent of the Territory from wells, with the remaining 10 per cent being serviced by outer-village systems. According to a survey published in August 2010, the Authority loses up to 50 per cent of its water through leaky pipes. In some areas water has a high salt content. The survey also indicated that the design limitations of water pipes made their maintenance an extremely difficult task.

31. American Samoa depends entirely on diesel-generated power. Several projects have been launched to reduce this dependence and promote a healthy environment, such as a waste-to-energy project, and solar and wind technologies are being pursued. In April 2011, ASPA signed a subrecipient agreement with the American Samoa Government Territorial Energy Office to manage and install a ground-mounted photovoltaic system capable of generating 1 MW or more, funded under the American Recovery and Reinvestment Act. Since waste management is recognized as a major public health and environmental concern for Pacific island

countries and territories, American Samoa has joined the region's strategy for solid waste management, which sets the strategic direction for the period 2010-2015.

IV. Social conditions

A. General

32. Known as "fa'asamoa", the Samoan way of life is based on the notion of mutual respect and sharing among the aiga (extended families), each featuring a common allegiance to a matai (chief), and it influences every aspect of the Territory's socio-economic fabric. Since 2008, the Territory's legislature has been working to further strengthen the use of the Samoan language in public schools, in tandem with English.

33. In 2011, the Pacific office of the United Nations Children's Fund (UNICEF) and the Secretariat of the Pacific Community published *The State of Pacific Youth 2011: Opportunities and Obstacles*, a report highlighting significant problems facing youth in the Pacific, including American Samoa, such as the high number of teenage pregnancies, the high proportion (26 per cent) of female teenage students physically forced to have sexual intercourse, and alcohol abuse.

B. Labour and immigration

34. According to the Government Accountability Office report, the total number of people employed in the Territory fell by 19 per cent between 2008 and 2009. It is estimated that between 2,000 and 3,000 temporary jobs created by the American Recovery and Reinvestment Act after the 2009 tsunami will disappear once federal funds are no longer available. The report shows that the number of workers in the tuna canning industry fell by 55 per cent between 2009 and 2010 following the closure of one plant in September 2009 and layoffs in the remaining cannery. As American Samoa's economy depends heavily on the tuna industry, that closure significantly affected the labour market and the economy. The report also notes that employers in the canning industry have taken measures to reduce costs, such as laying off workers, reducing overtime, cutting benefits, freezing hiring and increasing prices. Similar measures are envisaged in 2012, including the dismissal of more workers.

35. Before the initial minimum wage increase in 2007, about one third of workers in American Samoa were employed by the two canneries. More than three quarters of cannery employees were foreign workers from neighbouring Samoa. In its comments on the Government Accountability Office report, the Government of American Samoa said that employment losses and other aspects of economic decline in American Samoa were greater than suggested in the report. It also indicated that the application of the United States minimum wage to American Samoa, pursuant to the scheduled increases mandated by Congress, continued to devastate American Samoa's economy and labour market. It further pointed out that the report ignored the facts that the minimum wage increases had adversely affected the entire economy and not only the canneries and that the indirect effects of the cannery employment losses had yet to run their course as they often required several years fully to materialize. It further noted that the report downplayed the fact that the

damage to date stemmed from only 3 of 10 scheduled minimum wage increases and ignored evidence that continued increases in the minimum wage made economic recovery increasingly unlikely.

36. American Samoa has its own immigration laws and entry conditions into the Territory, which are not the same as those applicable to the United States. As previously reported, a new immigration law for American Samoa has entered into force, giving the Attorney-General, rather than a Government-appointed board, full authority over the granting of permanent resident status.

C. Education

37. Education in American Samoa is compulsory from 6 to 18 years of age. The education system is broadly based on that of the United States. According to the American Samoa Department of Education, there are 24 early childhood education centres, 23 elementary schools and 6 high schools in the Territory. The Department serves over 14,150 students in grades kindergarten to 12.

38. American Samoa has a literacy rate of approximately 97 per cent. There are five school districts, each centred on a high school together with lower level elementary or "feeder schools". The Department has 472 teachers in elementary education, 191 teaching personnel in secondary education, 18 in vocational education, 202 in special education and 118 in early childhood education.

39. The American Samoa Community College offers two-year degree courses in the arts and sciences and certificate programmes of proficiency in vocational and clerical skills, business and nursing.

40. In 2011, Aunuu, Tutuila and the Manu'a Islands were designated teacher shortage areas by the United States Department of Education in response to a request submitted by the American Samoa Department of Education. A similar request, for the school year 2011-2012, which begins in late August in American Samoa, was also granted.

D. Public health

41. According to the latest country health information profile produced by the World Health Organization (WHO), life expectancy at birth is estimated to be 69.3 years for men and 75.9 years for women. WHO data further show that the Territory has made significant progress in primary health care in recent years: the infant mortality rate fell from 15.2 per 1,000 live births in 2004 to 11.9 in 2008, and the under-five mortality rate was 4.9 per 1,000 live births in 2002.

42. Some 16 per cent of the Lyndon Baines Johnson Tropical Medical Center budget comes from the federal Government; most of the funds are used to purchase medical supplies. Vaccines and pharmaceuticals are purchased in the United States, as the Food and Drug Administration prohibits the purchase of medicines elsewhere. Logistical and financial factors cause frequent scarcity problems.

43. In 2010, the Territory received $1 million in federal funds through the grants to states for health insurance premium review programme. This programme, also known as the rate review grant programme, was authorized under the health-care

reform enacted through the landmark Affordable Care Act, passed by the United States Congress in March 2010. The rate review grant is designed to help states and territories establish a process to monitor health insurance premiums offered by insurance companies and to ensure that consumers are protected from unreasonable, unjustified or excessive premium increases.

44. According to WHO, the morbidity pattern has fundamentally changed over the past three decades, with an increase in non-communicable diseases stemming from modernization and lifestyle changes. Inappropriate nutrition and physical inactivity are the leading cause of significant increases in obesity in both sexes and, especially, young people.

E. Crime and public safety

45. In April 2010, the Governor announced plans to increase penalties for those convicted of child sexual abuse. The Administration planned to submit to the Fono a bill that would provide for a life sentence without possibility of parole. As previously reported, the Governor had also established the Sexual Offender Registration Notification Act Working Group to ensure compliance with the requirements of the Act and to provide counsel and input into strategic planning, development and implementation of the sex offender registry. According to the already mentioned UNICEF report, sexual abuse affects 25 per cent of high school minors.

46. The Territory has continued to enhance cooperation with the Pacific Islands Chiefs of Police organization and the United States Department of Justice through its newly established Office of Territorial and International Criminal Intelligence and Drug Enforcement.

V. Environmental protection and disaster preparedness

47. The American Samoa Environmental Protection Agency, funded by the United States Environmental Protection Agency, is mandated to protect human health and to safeguard the natural environment: air, water and land.

48. Just as all South Pacific countries, American Samoa faces the problem of safe disposal of solid and liquid waste, particularly as a result of urbanization. According to the United Nations Environment Programme, point source pollution from industrial waste and sewage, inappropriately sited and poorly managed garbage dumps, and disposal of toxic chemicals is a significant contributor to marine pollution and coastal degradation. Concern is also growing that toxic and hazardous waste may be brought to the region from developed countries for disposal.

49. In August 2010, nearly a year after the tragic tsunami, American Samoa was ready to install a $1.9 million tsunami warning siren system funded by the United States Department of Homeland Security. The system, officially commissioned in September 2011, consists of a network of 46 sirens with messages in both English and Samoan.

VI. Relations with international organizations and partners

50. American Samoa has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1988. International labour conventions and recommendations are applicable to it. The Territory belongs to various regional bodies of the United Nations system, including WHO, for which it falls under the Regional Office for the Western Pacific and the Western Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies.

51. American Samoa is a member of several regional organizations, including the Secretariat of the Pacific Community, the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association of Non-governmental Organizations, the Asian South Pacific Bureau of Adult Education, the Pacific Asia Travel Association, and the South Pacific Regional Environment Programme. The Territory participates in the Pacific Islands Applied Geoscience Commission and the Pacific Community Coastal Fisheries Programme. American Samoa also belongs to United States organizations, such as the National and Western Governors' Associations. The Government of American Samoa has signed memorandums of understanding with the Governments of Samoa and Tonga on mutual economic cooperation and has sent trade missions to a number of countries in the Pacific region.

52. At the forty-second Pacific Islands Forum Leaders' meeting, held in September 2011 in Auckland, New Zealand, American Samoa was accorded observer status. The Territory also holds observer status with the Alliance of Small Island States.

VII. Future status of the Territory

A. Position of the territorial Government

53. Section I of the present working paper reflects recent developments in American Samoa concerning its future political status.

B. Position of the administering Power

54. In a letter dated 2 November 2006 addressed to Congressman Faleomavaega, the United States Assistant Secretary of State for Legislative Affairs set forth the position of the Government of the United States on the status of American Samoa and other United States insular areas, which was considered equally valid for 2010. In his letter, the Assistant Secretary indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue, and not one that came under the purview of the Special Committee. He also stated that the Special Committee had no authority to alter in any way the relationship between the United States and those territories and no mandate to engage the United States in negotiations on their status. He further stated that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social and educational conditions, the federal Government did submit annual updates on United States territories to the Special Committee as a demonstration of United States cooperation

as an administering Power and to correct any errors in information that the Special Committee might have received from other sources.

C. Action by the General Assembly

55. On 9 December 2011, the General Assembly adopted without a vote resolutions 66/89 A and B, based on the report of the Special Committee transmitted to the General Assembly (A/66/23) and its subsequent consideration by the Fourth Committee. Section I of resolution 66/89 B concerns American Samoa. Under the operative paragraphs of that section, the General Assembly:

1. *Takes note* that, at the November 2010 general elections, voters defeated the proposed amendments to the 1967 revised Constitution of American Samoa adopted at the fourth Constitutional Convention, held in June 2010;

2. *Welcomes* the work of the territorial Government with respect to moving forward on political status, local autonomy and self-governance issues with a view to making political and economic progress;

3. *Expresses its appreciation* for the invitation extended in 2011 to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the Governor of American Samoa to send a visiting mission to the Territory, calls upon the administering Power to facilitate such a mission if the territorial Government so desires, and requests the Chair of the Special Committee to take all the steps necessary to that end;

4. *Requests* the administering Power to assist the Territory by facilitating its work concerning a public awareness programme, consistent with Article 73 *b* of the Charter of the United Nations, and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

5. *Calls upon* the administering Power to assist the territorial Government in the diversification and sustainability of the economy of the Territory and to address employment and cost-of-living issues;

6. *Welcomes* the invitation to American Samoa in 2011 to become Pacific Islands Forum observer.

United Nations A/AC.109/2012/12

General Assembly

Distr.: General
8 March 2012

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)*

Working paper prepared by the Secretariat

Contents

		Page
I.	General	3
II.	Constitutional and political issues	3
III.	Budget	5
IV.	Economic conditions	5
	A. General	5
	B. Fisheries, agriculture and livestock	5
	C. Tourism	6
	D. Transport, communications and utilities	6
	E. Environment and hydrocarbons	7
V.	Social conditions	7
	A. General	7

Note: The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations as well as information provided by the Government of Argentina and that available in public sources. Information was transmitted by the administering Power on 30 December 2011. Further details are contained in previous working papers posted on the United Nations website http://www.un.org/en/decolonization/workingpapers.shtml.

* A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas) (see ST/CS/SER.A/42).

12-25739 (E) 270312

Please recycle

B. Public health 8

C. Social security and welfare 8

D. Education 8

VI. Mine clearance and related matters 8

VII. Participation in international organizations and arrangements 9

VIII. Consideration by intergovernmental organizations and forums 9

IX. Future status of the Territory 10

A. Position of the administering Power 10

B. Position of the Government of Argentina 10

X. Consideration by the United Nations 11

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples 11

B. Special Political and Decolonization Committee (Fourth Committee) 12

C. Action taken by the General Assembly 14

I. General

1. The Falkland Islands (Malvinas) is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, comprising two large islands, known as East and West Falkland, as well as hundreds of smaller islands, and a total area of about 12,173 km^2. The Falkland Islands (Malvinas) are situated in the South Atlantic, about 770 km north-east of Cape Horn and about 480 km east of the South American mainland. South Georgia, located about 1,300 km south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 km east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate territory; the Governor of the Falkland Islands (Malvinas) acts concurrently as Commissioner for South Georgia and the South Sandwich Islands. According to the latest census (2006), the population of the Falkland Islands (Malvinas) was 2,478 (not including residents temporarily absent and civilians working in conjunction with the Ministry of Defence), representing the largest population since 1931. A dispute exists between the Governments of Argentina and the United Kingdom concerning sovereignty over the Falkland Islands (Malvinas).

II. Constitutional and political issues

2. The Constitution that was approved in 2008 and came into force on 1 January 2009 (Statutory Instrument 2008, No. 2846) has been protested by Argentina (see A/63/542, annex I). Under the Constitution, members of the legislature elect a Speaker to preside over sittings of the Legislative Assembly. A Chief Executive is appointed by the Governor in agreement with the Legislative Assembly as head of the public service to implement policy. Each member takes responsibility for a particular portfolio and works closely with the relevant departments. Members do not have ministerial responsibility. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Assembly who are elected annually from their own number, in addition to two ex officio members who have no voting rights. The Attorney General and the Commander of British Forces on the Islands have the right to attend meetings of the Executive Council but do not vote. The United Kingdom-appointed Governor has responsibility for foreign policy and defence. By the terms of the Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws for the peace, order and good government of the Territory, while full power to make laws for the peace, order and good government of the Territory is reserved for the British Crown.

3. The last general elections were held for all eight members of the Legislative Assembly on 5 November 2009, five from the Territory's urban constituency (Stanley) and three from the Camp (i.e., outside the Territory's only town), for a four-year term. The current Governor, Nigel Haywood, took up his appointment in October 2010.

4. During 2011 and early 2012, Argentina and the United Kingdom continued to reiterate their respective positions regarding various constitutional, military and economic aspects of the sovereignty dispute over the Territory. That action included written démarches and the issuance of press releases by Argentina on 10 June 2011 in connection with the observance of the "Day of Affirmation of Argentine rights

over the Malvinas Islands" and other areas and on 3 January 2012 "on the occasion of the latest anniversary of the illegitimate occupation of the Malvinas Islands by the United Kingdom" and remarks to the media, as well as written démarches by the United Kingdom before the United Nations, rejecting territorial and other claims made by Argentina (see A/AC.109/2011/14; A/66/653, annex; and A/66/677, annex).

5. On 10 February 2012, the Secretary-General met with the Foreign Minister of Argentina, Héctor Timerman, and discussed recent developments related to the Falkland Islands (Malvinas). The Foreign Minister, inter alia, lodged a protest against what he termed the United Kingdom's "militarization of the South Atlantic" and sought the Secretary-General's support for dialogue in the context of his good offices. The Secretary-General expressed concern about the increasingly strong exchanges between the Governments of Argentina and the United Kingdom on that issue. He expressed the hope that the Governments of Argentina and the United Kingdom would avoid an escalation of the dispute and resolve differences peacefully and through dialogue. The Secretary-General reiterated that his good offices to resolve the dispute remained available if both countries so requested.

6. Further, the Foreign Minister expressed the same protest in meetings with the Presidents of the Security Council and the General Assembly, subsequently followed up with a letter to the President of the General Assembly. In the letter, it was stated that Argentina had been "compelled to alert the international community, through the principal organs of the United Nations, to the growing British militarization of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas". Argentina had information referring to "the dispatch of a nuclear submarine with the capacity to transport nuclear weapons to the South Atlantic". Further, the communication stated that "the British military escalation is of concern not only to Argentina but also to the countries of the region and beyond", and mentioned the rejection of "British military deployment in the area" by the Union of South American Nations (UNASUR) and the Ibero-American Summit of Heads of State and Governments. The same day at a press conference the Minister for Foreign Affairs called for the start of dialogue on the sovereignty of the Islands and urged the United Kingdom to comply with the numerous General Assembly resolutions which called for both parties to sit down at the negotiating table and to refrain from the militarization of the South Atlantic (see A/66/696-S/2012/86, annex).

7. For his part, the Permanent Representative of the United Kingdom, Mark Lyall Grant, stated at a press conference the same day that the Argentine accusations were "manifestly absurd". The United Kingdom wrote to the Secretary-General on 22 February 2012, outlining that the military posture of the United Kingdom "has not changed" and "exists only in order to protect the rights and freedoms of the people of the Falkland Islands to determine their own political, cultural and economic futures". The United Kingdom considered the accusations to be "unwarranted and baseless" and stated that it "calls into question the evidential threshold applied by the Republic of Argentina to all its political claims". While the United Kingdom considered that there were many opportunities for cooperation in the South Atlantic, it listed recent actions by Argentina that "call into question the commitment of the Republic of Argentina to peaceful cooperation in the South Atlantic and its adherence to binding international law". The United Kingdom stated that there "will be no negotiations on sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish" (see A/66/706, annex).

8. Additional information on the positions of the administering Power and the Government of Argentina can be found below.

III. Budget

9. The Territory's financial year runs from 1 July to 30 June. According to the administering Power, the Territory makes every effort to maintain a balanced budget. For 2011/2012, the approved estimate for total revenue was £46.5 million, of which £13.5 million was estimated to come from fisheries, £5.5 million from investment income, £12.3 million from taxation and £6.1 million from public works. During the same period, the revised estimate for expenditure was £46.4 million.

IV. Economic conditions

A. General

10. The gross domestic product (GDP) of the Islands was estimated by the administering Power to be about £100 million per annum. An estimate of the per capita GDP is approximately £40,000. Increasing revenue from corporation tax indicates a growing private sector. The fishing industry remains the most important sector of the economy (accounting for about 50 per cent of GDP), with the tourism sector and other sectors, such as livestock production and processing, witnessing growth in recent years. According to the administering Power, the Islands have recently begun the implementation of a long-term economic development strategy which has a focus on reducing dependence on the fishing industry through development of tourism and the rural economy, and attracting new industries. The latest Islands Plan (2010-2015) outlines a vision for economic growth and financial stability, improved quality of life, and improved transport and telecommunications infrastructure.

B. Fisheries, agriculture and livestock

11. Loligo and Illex species of squid are the mainstay of the fisheries and economy of the Territory. In recent years, Loligo catches have been relatively stable whereas Illex catches have declined. Both species have a one-year life cycle. Loligo squid are fished in several zones and on the high seas. In addition to those two squid species, a number of finfish are targeted, including rockcod, hake and hoki. According to the administering Power, the Fisheries Department is responsible for administering the fisheries sector in the Territory.

12. The most significant change in agriculture in recent years has been the development of the meat industry and of farming adjusted to produce dual-purpose sheep that will maximize returns from both meat and wool. According to the administering Power, 1.7 million kilograms of wool were exported from the Islands in 2010, and 45,000 sheep and lambs were processed through the Sand Bay abattoir for export. The Territory has an ongoing five-year business plan in support of agriculture. According to media reports, during 2011 several visits to wool and meat producers and processors abroad took place to foster commercial and trade links.

C. Tourism

13. Tourism is a significant contributor to the Territory's economy, valued as previously reported at approximately £6.1 million per annum. There has been a measurable expansion in the Falkland Islands (Malvinas) tourism sector in recent years, with an average annual growth rate in visitor arrivals of 5 per cent. The 2010/2011 cruise season closed with a total of 40,542 passenger arrivals. Almost £1.4 million was spent in the Islands by cruise passengers, 43 per cent of that amount being spent on tours, 38 per cent on shopping and 16 per cent on food and drink.

D. Transport, communications and utilities

14. The Territory has approximately 1,000 km of roads. Work continues in upgrading roads connecting outlying settlements and farms. In addition to roads, communications are ensured through a coastal shipping service to settlements on the east, west and outlying islands, a regular ferry service between the two main islands, and local air services.

15. In 2011, LAN Airlines continued to provide a regular weekly service between Punta Arenas, Chile, and the Falkland Islands (Malvinas), including two monthly stopovers in Río Gallegos, Argentina, in accordance with the provisions of the Joint Statement of 14 July 1999 between Argentina and the United Kingdom. Moreover, under the Exchange of Notes Flights and Navigation Agreement of 23 February 2001, private flights are authorized, as are a number of medical evacuation flights from the Falkland Islands (Malvinas) to mainland Argentina and Chile. Related information can be found in section VIII below.

16. In response to hydrocarbon-related activities carried out in waters around the Falkland Islands (Malvinas), in February 2010 Argentina issued Presidential Decree 256/2010 requiring authorization measures for vessels calling at Argentine ports or crossing Argentine waters. In this connection, Argentina and other countries, as well as the Ibero-American Summit, the Latin America and Caribbean Summit, the Southern Common Market (MERCOSUR) and UNASUR, recalled that the General Assembly, in resolution 31/49 of 1 December 1976, had called upon both parties to the dispute to refrain from introducing unilateral modifications in the situation. Against the backdrop of the gradual implementation of those decisions, on 20 December 2011 members of MERCOSUR decided to close their ports to "vessels flying the illegal flag of the Malvinas Islands". (Additional information can be found in A/AC.109/2011/14; A/65/789, annex; and in sections VIII and IX below.)

17. For its part, the United Kingdom considers that Presidential Decree 256/2010 was not compliant with international law, including the United Nations Convention on the Law of the Sea. According to the administering Power, during 2011 Argentina had repeatedly and unilaterally infringed on the right of innocent passage and freedom of navigation under the Convention by taking action against the small island community's transport arrangements (counter to General Assembly resolution 31/49 of 1 December 1976). (Additional information can be found in A/AC.109/2011/14; A/65/850, annex; and section IX below.)

18. Concerning telecommunications, the introduction of Island-wide rural broadband access has improved the situation within and outside the Territory.

Brief history: The first missionaries from Spain arrived in Guam in the late seventeenth century when the island was inhabited by the indigenous Chamorro people, of Malayo-Polynesian descent. The Chamorro now constitute just over one third of the population and play an active role in the political and social life of the island, which has evolved into a multi-ethnic society.

[a] EEZ data derived from J. D. Bell, J. E. Johnson and A. J. Hobday, eds., *Vulnerability of Tropical Pacific Fisheries and Aquaculture to Climate Change* (Nouméa, New Caledonia, Secretariat of the Pacific Community, 2011). E-book, available from http://www.spc.int/climate-change/fisheries/assessment/ebook.

According to the administering Power, there are over 1,000 computers in the Territory. In 2011, approximately 75 per cent of its households were connected to broadband Internet.

19. The Territory's major wind farm meets approximately 26 per cent of urban electricity needs. The capacity of the wind farm has recently been doubled, with the expectation that, as a result, wind power will meet 40 per cent of the Territory's urban electricity needs. On a smaller scale, wind turbines provide homesteads and small settlements with power.

E. Environment and hydrocarbons

20. According to the administering Power, the Falkland Islands (Malvinas) works to uphold a number of environmental treaties and conventions. For its part, Argentina rejected the territorial application of those treaties and conventions by the United Kingdom on the grounds that the Territory, along with the surrounding maritime areas, were an integral part of Argentina.

21. In 2011, environmental projects included the conservation of penguins, the eradication of rats, and the creation of a network of protected areas with a view to meet international commitments, against which Argentina formally protested in September 2011. Further, a survey carried out the same year indicated that the most common type of marine debris found along the Territory's shores was plastic debris originating from vessels at sea or from nearby landfill sites, most of which are reportedly located near coastal areas.

22. Offshore exploration for hydrocarbons continued in 2011 amid protest from Argentina, other Member States and regional organizations. According to the administering Power, an oil and gas discovery has been declared by two of the licensees, with one indicating that it considers the discovery to be potentially commercial. (Additional information can be found in A/AC.109/2011/14, the preceding section and the section on international organizations and forums below.)

V. Social conditions

A. General

23. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, have been extended to the Falkland Islands (Malvinas) by the administering Power. For its part, Argentina has consistently rejected the territorial application by the United Kingdom of those various instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, as well as the designation of the Territory as an Overseas Territory of the United Kingdom or any other similar designation. (Additional information can be found in A/AC.109/2011/14.)

I. Constitutional, legal and political issues

1. Guam was administered by the Department of the Navy of the United States of America until 1950, when the United States Congress enacted the Organic Act of Guam, which established institutions of local Government and made Guam an unincorporated Territory of the United States with limited self-governing authority. Since then, the Territory has been administered by the Department of the Interior. Guam is an unincorporated Territory, since not all provisions of the United States Constitution apply to the island. As an unincorporated Territory, Guam is a possession but not part of the United States.

2. The United States Constitution does not permit Guam to appoint electors of the President and Vice-President of the United States. The people of Guam elect a Governor, who serves for a four-year term. No person who has been elected Governor for two full successive terms shall again be eligible to hold that office until one full term has elapsed. The Governor is responsible for the general supervision and control of the executive branch and submits an annual report to the United States Secretary of the Interior for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the legislature, make his views known to that body and veto legislation. Following the November 2010 elections, Eddie Baza Calvo (Republican) was declared the new Governor of Guam.

3. Fifteen senators who serve two-year terms in the unicameral legislature are also elected. The legislature may override the Governor's veto. Under the 1950 Organic Act of Guam, the United States Congress reserves the authority to annul any law enacted by the Guam legislature. Guam has two main political parties, the Republican Party and the Democratic Party, which are local chapters of the two main United States political parties. In the November 2010 legislative elections, the Democrats won nine seats, and the Republicans six seats.

4. Since 1972, Guam has had one delegate to the United States House of Representatives. As previously reported, the delegate, who serves a two-year term, may vote in committee and, since January 2007, on floor amendments, but not on the final approval of bills. In the November 2010 elections, Madeleine Z. Bordallo, a Democrat, ran unopposed. She was sworn in on 5 January 2010 for her fifth term as Guam's delegate to Congress.

5. The judicial system in Guam comprises local and federal components. The local judicial system consists of a Superior Court and a Supreme Court, which are led by judges appointed by the Governor and confirmed by the legislature. Local judges are subject to confirmation by voters every six years. In 2004, the judiciary of Guam was established as an independent branch of Government. The law confirmed the appellate jurisdiction and administrative authority of the Supreme Court of Guam over all inferior courts in the Territory, thereby effectively establishing a unified local judiciary.

6. At the federal level, a District Court judge, appointed by the President of the United States, is the head of the United States District Court of Guam. In 1998, Congress adopted an amendment to the Organic Act of Guam, allowing the Guam legislature to elect its own Attorney General for a four-year term. The Attorney General is the chief legal officer of the Government of Guam and is empowered with prosecutorial authority.

B. Public health

24. According to the administering Power, the general state of health in the Falkland Islands (Malvinas) is good. Medical and dental treatment is free to all residents under a health agreement.

C. Social security and welfare

25. According to the administering Power, the Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all employers and by employees between the ages of 17 and 64. A system of social welfare grants and pensions is in place to deal with cases of hardship and disability.

D. Education

26. Education in the Falkland Islands (Malvinas) is free and compulsory for all children between the ages of 5 and 16, with access to preschool (nursery) education from the age of 4. In 2011 approximately 380 schoolchildren were registered.

27. According to information provided by Argentina, inhabitants of the Falkland Islands (Malvinas) enjoy equality of access to the Argentine public education system. Additional information on the subject is contained in the 2011 report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (A/66/68, sect. II.B).

VI. Mine clearance and related matters

28. Under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, known also as the Ottawa Convention, States parties are obliged to clear anti-personnel mines in mined areas within 10 years of the Convention's entry into force, unless an extension is granted under the Convention.

29. In November 2008, the Ninth Meeting of States Parties to the Ottawa Convention decided to grant the United Kingdom an extension until 1 March 2019. The United Kingdom proceeded with the clearance of four mined areas in the Territory. According to the administering Power, the four-site clearance programme was completed in June 2010. A three-month follow-up phase of clearance is expected to start in 2012.

30. As previously reported, the Second Review Conference of the Ottawa Convention in December 2009 agreed to grant the request of Argentina for an extension until 1 January 2020. At the Eleventh Meeting of States Parties to the Ottawa Convention, held in Phnom Penh from 28 November to 2 December 2011, Argentina stated that mine-clearing planning would be implemented as soon as it exercised control over the areas in question, subject to a sovereignty dispute, or when both Argentina and the United Kingdom reached agreement over making progress in such planning.

VII. Participation in international organizations and arrangements

31. According to information provided by the administering Power, the government of the Falkland Islands (Malvinas) attends various Commonwealth forums, and is a member of the United Kingdom Overseas Territories Association and the South Atlantic Territories Cooperation Forum, which was established in 2010. Representatives of the Government also participate as members of the United Kingdom delegation in discussions on various matters affecting their interests.

VIII. Consideration by intergovernmental organizations and forums

32. During meetings held in 2011, intergovernmental entities, including regional and subregional organizations, such as the Group of 77 and China Ministerial Meeting (New York, 23 September 2011), the Community of Latin American and Caribbean States (CELAC) (Caracas, 3 December 2011), the General Assembly of the Organization of American States (San Salvador, 7 June 2011), MERCOSUR (Asunción, 29 June 2011 and Montevideo, 20 December 2011), UNASUR (Asunción, 29 October 2011), the Ibero-American Summit (Asunción, 28 and 29 October 2011, and the Summit of the Heads of State and Government of the Bolivarian Alliance for the Peoples of Our America (Caracas, 4 and 5 February 2012), addressed the question of the Falkland Islands (Malvinas) and, inter alia, reaffirmed the need for Argentina and the United Kingdom to resume negotiations to find a peaceful solution to the dispute. Some of those organizations rejected the aforementioned hydrocarbon- and military-related activities of the United Kingdom.

33. Moreover, some of the above-mentioned forums, including CELAC and UNASUR, requested the Secretary-General to renew his good offices on the question and keep them informed. When meeting on 6 April 2011, the Foreign Minister of Argentina gave the Secretary-General a letter signed by the Heads of State and Government of UNASUR requesting him to renew his mission of good offices entrusted to him by the General Assembly to find a solution to the sovereignty dispute. Further, in a meeting on 19 December 2011, in his capacity as representative of the *pro tempore* Presidency of CELAC, the Permanent Representative of Chile, Octavio Errázuriz Guilisasti, requested the Secretary-General to renew his good offices efforts. (Additional information can be found in A/65/812, annex; A/66/388, annex; A/66/548, annex; A/66/549, annex; A/66/653, annex; and A/66/606, annex.)

34. According to the administering Power, the United Kingdom is not a member of the aforementioned organizations, with the exception of the European Union, and it has not been represented at any of the aforementioned meetings, with the exception of that of the Organization of American States, with which the United Kingdom has observer status. Further, the Seventh Ministerial UK-Caribbean Forum, co-chaired by the Foreign Secretary of the United Kingdom and the Chair of the CARICOM Council for Foreign and Community Relations, held in Grenada on 21 and 22 January 2012, agreed, inter alia, "to support the principle and the right to self-determination for all peoples, including the Falkland Islanders" (see also A/65/850 and section X below).

IX. Future status of the Territory

A. Position of the administering Power

35. In exercise of the right of reply to the remarks made by the President of Argentina in the General Assembly on 21 September 2011, the United Kingdom, inter alia, reiterated that there could be "no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Islanders so wish" and that the principle of self-determination "underlies our position on the Falkland Islands". Further, the United Kingdom indicated that "the Falkland Islands Government is entitled to develop both fisheries and hydrocarbons industries within its own waters. This right is an integral part of the right of self-determination, which is expressly contained in article 1 (2) of the International Covenant on Civil and Political Rights", and that "the United Kingdom continues to believe that there are many opportunities for cooperation in the South Atlantic. However, in recent years the Republic of Argentina has rejected these opportunities" (see A/66/385, annex).

36. According to information provided by the administering Power, in the annual new year message to the Territory for 2012, the Prime Minister of the United Kingdom, David Cameron, reiterated the commitment of the United Kingdom to the Islanders, and noted that "Argentina continues its unjustified and counterproductive efforts to disrupt shipping around the Islands and to deter business from engaging in legitimate commerce", adding: "I firmly believe that it is in our interest that we have a constructive relationship with Argentina. There is common ground to be found on issues like the global economy and climate change. We want to work with Argentina on those issues. But the Argentine Government has continued to make statements which challenge your right to self-determination, and we can never accept that." The Prime Minister further stated: "So let me be absolutely clear. We will always maintain our commitment to you on any question of sovereignty. Your right to self-determination is the cornerstone of our policy. We will never negotiate on the sovereignty of the Falkland Islands unless you, the Falkland Islanders, so wish. No democracy could ever do otherwise."

B. Position of the Government of Argentina

37. As reflected in the official records of the sixty-sixth session of the General Assembly (A/66/PV.11), the President of Argentina, Cristina Fernández de Kirchner, in her address to the General Assembly on 21 September 2011, inter alia, stated with respect to the Falkland Islands (Malvinas) that 10 General Assembly resolutions, 29 resolutions of the Special Committee on decolonization, 11 resolutions and 8 declarations of the Organization of American States, as well as the resolutions of various forums, such as the Ibero-American forums, the Union of South American Nations, the Southern Common Market, and meetings of Arab and African countries had demanded that the issue of sovereignty be addressed.

38. The speaker went on to say that the United Kingdom had "systematically refused to do so" and had "obviously used its status as a veto-wielding member of the Security Council to that end". Further, the President stated that Argentina would wait for a reasonable period of time, but if nothing transpired, it would be forced to begin reviewing the provisional understandings between the two countries that are still in effect, in particular the joint statement and exchange of letters of 14 July

1999 on regular weekly Lan Chile flights between Punta Arenas and the Islands with two monthly stopovers, one in each direction, in Río Gallegos. Further, Argentina had no intention of exacerbating the situation for any party, but considered it fair that the General Assembly and the United Kingdom be aware that there had to be compliance with the resolutions. The speaker concluded by calling for dialogue with the United Kingdom and dialogue among all the members of the General Assembly on the dispute.

39. Additional information on the position of the Government of Argentina can be found in section X.A below.

X. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

40. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 6th and 7th meetings on 21 June 2011, as reflected in A/AC.109/2011/SR.6 and 7. At its 6th meeting, the Special Committee decided to accede to the requests of the delegations of Argentina, Brazil, El Salvador, Guatemala, Guyana, Paraguay, Peru and Uruguay to participate in the Committee's consideration of the item.

41. Also at the 6th meeting, the Special Committee heard statements by Roger Edwards and Richard "Dick" Sawle from the Legislative Assembly of the Falkland Islands (Malvinas). María Angélica Vernet and Alejandro Betts also made statements.

42. At the same meeting, the representative of Chile, on behalf of Bolivia (Plurinational State of), Chile, Cuba, Ecuador, Nicaragua and Venezuela (Bolivarian Republic of), introduced draft resolution A/AC.109/2011/L.7, which the Special Committee adopted without a vote at its 6th meeting. In the resolution, the Special Committee reiterated that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) was the negotiated settlement of the dispute, in accordance with the relevant General Assembly resolutions.

43. The Foreign Minister of Argentina made a statement at the 6th meeting of the Special Committee on 21 June 2011. As reflected in the meeting's summary record, the Foreign Minister, inter alia, reiterated "the unrenounceable and imprescriptible rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas". He recalled that by resolution 2065 (XX), the General Assembly had characterized the Islands' situation as a sovereignty dispute between Argentina and the United Kingdom. The Foreign Minister went on to say that the strategic and financial interests of the United Kingdom were reflected in its "illegal exploration for and exploitation of" renewable and non-renewable natural resources in the disputed archipelago and waters. Those activities were considered an affront to Argentina and other countries in the region.

44. Further, the speaker stated that the conduct of military exercises on the Islands, including the firing of missiles, was of concern to the entire region, as it violated the elementary rules on the safety of navigation and of life at sea. For its part, Argentina continued to be a strong advocate of the right to self-determination whenever that right applied; however, it did not apply to the question at hand, since the inhabitants of the Territory were British subjects and not a colonized people. Argentina was not averse to cooperating with the United Kingdom on practical matters concerning the de facto situation in the South Atlantic, with a view to creating a suitable framework for the resumption of negotiations. Argentina was willing to fulfil the duty incumbent on both parties to resume sovereignty negotiations. The refusal of the United Kingdom to heed the calls of the international community was regarded as especially worrisome given that it was a permanent member of the Security Council, a body the main purpose of which was to preserve international peace and security.

45. The Foreign Minister concluded by saying that Argentina attached great value to the mission of good offices entrusted to the Secretary-General as a means of bringing the parties to the negotiating table. The Heads of State and Government of the Union of South American Nations had recently asked the Secretary-General to renew his efforts in that regard (see A/AC.109/2011/SR.6).

46. At the 6th and 7th meetings of the Special Committee, the representatives of Bolivia (Plurinational State of), Brazil, China, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Grenada, Guatemala, Guyana (speaking on behalf of UNASUR), Indonesia, Mali, Nicaragua, Paraguay (speaking on behalf of the States members and associated States of MERCOSUR), Peru, the Russian Federation, Sierra Leone, the Syrian Arab Republic, Uruguay and Venezuela (Bolivarian Republic of) also made statements on the question of the Falkland Islands (Malvinas) (see A/AC.109/2011/SR.6 and 7).

B. Special Political and Decolonization Committee (Fourth Committee)

47. On 3, 6 and 10 October 2011, during the debate on decolonization issues in the Special Political and Decolonization Committee (Fourth Committee) of the sixty-sixth session of the General Assembly, the delegations of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica, Cuba, Ecuador, Guatemala, Guyana, Mexico, Nicaragua, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of) referred to the question of the Falkland Islands (Malvinas), as reflected in A/C.4/66/SR.2, A/C.4/66/SR.5 and A/C.4/66/SR.6.

48. On 3 October, the representative of Uruguay, speaking on behalf of MERCOSUR, the State party in the process of accession, Venezuela (Bolivarian Republic of), and the associated States of Bolivia (Plurinational State of), Chile, Colombia, Ecuador and Peru, inter alia, reiterated their support for the legitimate rights of the Argentine Republic in the sovereignty dispute over "the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas", which had been reaffirmed in the Joint Communiqué of the Presidents of the States parties of MERCOSUR and associated States had adopted on 29 June 2011 at the 41st meeting of the Council of the Common Market. According to the speaker, it was noted in the communiqué that the adoption of unilateral measures was incompatible with United Nations decisions. Further, on the

same occasion, the Presidents of the countries in question had adopted a special declaration in which they rejected the statements of the British Minister of Defence regarding the deployment of combat aircraft and naval power in the "Malvinas Islands zone", as well as the conduct of military exercises by the United Kingdom, including the firing of missiles from the Territory (see A/C.4/66/SR.2).

49. At the same meeting, speaking on behalf of the Rio Group, the representative of Chile: reiterated the Group's support for the legitimate rights of Argentina in the sovereignty dispute with the United Kingdom; recalled its declaration and special communiqué on the exploration for fossil fuels on the continental shelf around the Islands, adopted by the Heads of State and Government of Latin America and the Caribbean gathered at the Unity Summit held in Mexico on 22 and 23 February 2010; rejected the military activities of the United Kingdom in the Islands, which ran counter to the region's policy of seeking a solution to the dispute through peaceful means; and also recalled the declaration on that matter that had been adopted in Santiago in October 2010 (see A/C.4/66/SR.2).

50. At the same meeting, the Deputy Permanent Representative of Argentina stated, inter alia, that the continued existence of cases of colonialism in various forms constituted a crime that violated the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the principles of international law embodied in General Assembly resolution 2621 (XXV). He also stated that the United Kingdom was unilaterally carrying out illegal exploration for and exploitation of renewable and non-renewable natural resources in the disputed archipelagos and waters, in violation of General Assembly resolution 31/49. Furthermore, the United Kingdom was carrying out military exercises, including the firing of missiles from the Territory, which not only violated the aforementioned resolution but also obstructed the full implementation of the maritime safety standards of the International Maritime Organization and ran counter to the region's policy of consistently seeking a peaceful settlement of the dispute. The speaker concluded by saying that his Government had reiterated at every opportunity its willingness to negotiate in order to comply with its obligation to settle the dispute. It was now for the United Kingdom to fulfil its obligation as a member of the United Nations to try to reach a settlement (see A/C.4/66/SR.2).

51. On 6 October 2011, speaking on behalf of UNASUR, the representative of Guyana, inter alia, reaffirmed the strong support for the legitimate rights of the Argentine Republic in the sovereignty dispute over "the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas" and stated that the Secretary-General should continue to use his good offices to bring about the resumption of negotiations. Furthermore, the speaker recalled the UNASUR Declaration on cooperation with regard to certain movements of vessels travelling to the Islands, in particular the commitment of UNASUR members to adopt appropriate regulatory measures to prevent the entry into their ports of "vessels flying the illegal flag of the Malvinas Islands" and to inform the Argentine Government about any vessels or marine structures travelling to the Islands with cargo to be used for illegal hydrocarbon and/or mining activities on the Argentine continental shelf. The representative concluded by saying that UNASUR rejected the United Kingdom's conduct of military exercises in the Islands, which ran counter to the region's policy of seeking to resolve the dispute by exclusively peaceful means (see A/C.4/66/SR.5).

52. In speaking in exercise of the right of reply, the representatives of Argentina and of the United Kingdom reiterated their Governments' respective positions a number of times during the deliberations of the Fourth Committee (see A/C.4/66/SR.2, A/C.4/66/SR.5 and A/C.4/66/SR.6).

C. Action taken by the General Assembly

53. By resolution 58/316 of 1 July 2004, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As of the date of the issuance of the present working paper, no such notification by a Member State to the General Assembly had been received.

United Nations A/AC.109/2012/13

General Assembly

Distr.: General
12 March 2012

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Guam

Working paper prepared by the Secretariat

Contents

		Page
	The Territory at a glance	3
I.	Constitutional, legal and political issues	5
II.	Military and related issues	7
III.	Land issues	7
IV.	Budget	8
V.	Economy	8
	A. General	8
	B. Tourism	9
	C. Transport and communications	9
	D. Water system, sanitation and utilities	10
	E. Agriculture and fisheries	10
VI.	Social conditions	11
	A. Labour	11

Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 23 January 2012. Further details are contained in previous working papers posted on the United Nations website (http://www.un.org/en/decolonization/workingpapers.shtml).

12-26010 (E) 280312

Please recycle

B. Education 11
C. Health care 11
VII. Environment 12
VIII. Relations with international organizations and partners 13
IX. Future status of the Territory 13
A. Position of the territorial Government 13
B. Position of the administering Power 14
X. Consideration by the United Nations 14
A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples 14
B. Special Political and Decolonization Committee (Fourth Committee) 14
C. Action taken by the General Assembly 14

The Territory at a glance

Territory: Guam is a Non-Self-Governing Territory administered by the United States of America. As an unincorporated organized territory of the United States of America it is administered by the Office of Insular Affairs of the United States Department of the Interior.

Geography: Guam is the southernmost and largest of the Mariana Islands in the Pacific Ocean, situated about 2,200 km south of Tokyo and 6,000 km west-south-west of Hawaii. It consists of a single island comprising two distinct geologic areas of about equal size. The northern part of the island is a high coralline limestone plateau and the southern region is mountainous. Apra Harbor is one of the largest deep-water ports in the Pacific.

Land area: 540 km².

Exclusive economic zone: 214,059 km².[a]

Population: 159,358 (2010 census).

Languages: English and Chamorro.

Ethnic composition (2000 census): 37.1 per cent Chamorro; 26.3 per cent Filipino; 11.3 per cent other Pacific islanders; 6.9 per cent white; 6.3 per cent Asian; 2.3 per cent other ethnic origin; and 9.8 per cent mixed.

Capital: Hagåtña.

Head of the territorial Government: Current Governor is Eddie Baza Calvo (elected November 2010).

Territory's delegate to the United States Congress: Madeleine Z. Bordallo.

Main political parties: Democratic and Republican Parties.

Elections: Last: 2010; next: September 2014.

Legislature: Unicameral 15-member legislature. Guam has a locally elected Government, which comprises separate executive, legislative and judicial branches.

GDP per capita: US$ 22,293 (chained) dollars (2009 estimate).

Economy: Principle sources of revenue are: tourism and the United States military presence.

Unemployment: 13.3 per cent (March 2011).

Monetary unit: United States dollar.

7. Periodically, there have been moves to change the island's political status. The Guam legislature established the first Political Status Commission in April 1973. In a 1976 referendum, Guamanians decided to maintain close ties with the United States, but also to begin negotiations to improve the Territory's status. In 1979, the people of Guam rejected a draft constitution by a margin of 5 to 1, mainly on the grounds that the question of political status had to be resolved before a meaningful constitution could be drafted. Another referendum was held in 1982, with 73 per cent of voters opting to pursue commonwealth status with the United States.

8. The Commission on Self-Determination, established in 1980, completed a draft commonwealth act in 1986, which, after a public education campaign, was submitted for an article-by-article vote on 8 August 1987 (see A/AC.109/1192, paras. 19-37). Voters approved the core proposals, but rejected articles empowering the Government of Guam to restrict immigration and granting the indigenous Chamorro people the right to determine the future political status of the Territory. In a further referendum in November 1987, both of those outstanding provisions were approved after having been amended and rewritten. A summary of the main points in the draft commonwealth act is contained in a 2001 working paper (A/AC.109/2001/4).

9. Subsequent discussions, held from 1989 to 1997, between the Commission and the Government of the United States on a commonwealth agreement did not reach a resolution. In 1997, Guam Public Law 23-147 established the Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination in order to address an important but controversial issue involving the Chamorro population. The Commission, in concert with a process of registration of eligible voters organized by the Guam Election Commission, was to oversee the conduct of a vote with regard to the status preferences of the Chamorro people (independence, integration or free association), in accordance with international standards.

10. In 2000, the Guam legislature provided the Guam Election Commission with the power to set the date of the decolonization plebiscite, in which it was expected that the Territory's indigenous people would be asked to choose between statehood, independence and free association with the United States. The plebiscite would have been non-binding but would at the same time have set the course for any future discussions of political status with the administering Power. The vote, scheduled to take place on 2 November 2004, was postponed because eligible voters had not been identified and registered. In October 2010, the President of the United States, Barack Obama, signed bill H.R. 3940 into law. The Law clarifies the Secretary of the Interior's authority and obligation to provide federal funding for political status education on Guam. It should help the people of Guam become aware of their constitutionally viable political options. Eligible voters are those who can trace their roots back to those residents living on the island at the time of the passage of the Organic Act in 1950 who were made citizens by federal law. Universal suffrage with respect to elections applies to United States citizens who are 18 years of age or over and legally resident in Guam. All persons born in Guam and subject to the jurisdiction of the United States are citizens of the United States. In February 2012, the Guam Election Commission announced that Guam had 46,926 registered voters and 5,222 native inhabitants.

11. In 2011, Mr. Calvo convened the Commission on Decolonization for the first time in about a decade. The Commission is preparing a preliminary report on an

education programme designed to keep residents informed regarding the future plebiscite vote for self-determination. This report will detail timelines and procedures and must be submitted to the Guam legislature for review.

II. Military and related issues

12. As previously reported, in 2009 the United States decided that United States Marine Corps capabilities in the Pacific region will have been realigned by 2014, through the transfer of United States military personnel from Okinawa, Japan, to Guam. According to the administering Power, the relocation, costing over $10 billion, would bring 8,600 marines, 630 army personnel and about 10,000 dependants to Guam. More than 33,000 foreign workers would also be needed to build wharves, aircraft carrier berths, roads, military barracks and homes.

13. According to a study carried out in 2010, the military expansion would strain the island's limited infrastructure, health care and ecology. In February 2010, the Territory's Environmental Protection Agency stated that a military build-up could trigger island-wide water shortages which would fall disproportionately on a low-income, medically underserved population. It also indicated that it would overload sewage-treatment systems in such a way as to possibly cause significant adverse public-health impacts.

14. Opposition to the military expansion stemmed from concerns about its economic, sociocultural and environmental impact on the Territory. It was feared that anticipated economic benefits associated with the build-up would be offset by higher inflation, increased congestion and greater pressure on outdated infrastructure.

15. According to the administering Power, in June 2011, the United States Secretaries of State and Defense met with Japan's Minister for Foreign Affairs and Minister of Defence in two-by-two talks which reaffirmed the realignment goals of the agreement between the United States and Japan but extended the date of completion of Guam build-up facilities from 2014 to an indefinite date in the future. Moreover, the United States Congress, by the National Defense Authorization Act of 2012, has delayed, pending new studies, the fulfilment of the obligation to fund civilian projects related to the Guam military build-up. A Civilian-Military Coordination Council has been established to assist the Department of Defense in implementing an Adaptive Program Management, whereby the Department of Defense will monitor the build-up and adjust the construction pace if it impacts unduly the environment and/or the infrastructure.

III. Land issues

16. The question of land use and land ownership encompasses two major issues: the return of unused or underutilized lands held by the United States Department of Defense and the return of those lands to the original Chamorro landowners. In view of the envisaged military build-up, the Department of Defense has been interested in acquiring at least an additional 2,200 acres of non-federal land. Of the 147,000 acres of land available on Guam, the Department of Defense currently possesses 40,000 acres, or 27.21 per cent of the island's land mass. Private landowners in the

Territory have the right to refuse to sell any of their land for military purposes. With regard to public land, such requests would need the approval of the Guam legislature.

17. It has been reported that the Department of Defense and Guam are at an impasse over the question of the use of ancestral land for a Marine Corps firing range. The military has been unable to get the support needed from the Government of Guam to place Marine live-fire ranges on ancient Chamorro land at Pagat Village, a federally registered archaeological site that holds deep meaning for many inhabitants of the island. The Government of Guam signed the Programmatic Agreement in March 2011 to preserve cultural and historical properties on the island during the build-up in preparation for the transfer of Marines and their dependants and support staff as early as 2016.

IV. Budget

18. The budget comprises revenues received by the Government of Guam and federal grants, with the latter generally allocated, on an ad hoc basis, to particular sectors through the Department of the Interior. According to federal law, all island residents, including military personnel, must pay income taxes to the Guam General Fund and not to the federal Government. The Governor has the power to veto a budget bill; however, the legislature can either override the Governor's veto by a special majority or reconsider the bill.

19. The report of the Guam Comprehensive Economic Development Strategy states that in fiscal year 2010, the general fund deficit grew by $84 million. Projections for the biennium budget state that by September 2013, the deficit will amount to $349 million and the Government of Guam will remain in deficit until 2015. Although the deficit grew in 2010, there were also slight positive changes that occurred, including a 0.4 per cent growth in total revenue, a 1 per cent growth in tax revenue and a 1.7 per cent growth in revenue generated from licences, fees and permits. Currently, Guam's revenue comes generally from taxes and federal contributions. A biennium budget has been created to enable planning for the build-up and other major events.

V. Economy

A. General

20. The economy of Guam continues to be based on two main pillars: tourism and the military. Meanwhile, the Territory has been attempting to create an environment conducive to the development of other industries, such as financial services, telecommunications and transportation. Manufactured products include textiles and garments, cement and plastics. Re-exports constitute a high proportion of Guam's exports, which include, inter alia, petroleum products, iron and steel scrap, automobiles, and tobacco and cigars. Major trading partners of the Territory include the United States, Japan, Germany and China.

21. Up to March 2011, the upcoming military expansion was expected to become the main engine of economic activity, benefiting Guam's economy in the amount of

$1.5 billion per year once the process began. In 2010, the then Governor of the Territory acknowledged the economic benefits of the military build-up, while also stressing that it would impact the Territory's environment and create financial, social and cultural challenges. He called upon the United States Government to ensure an appropriate balance. He further stressed that extension of the construction timeline beyond 2014 would lessen the overall impact on the island. In his opinion, the application of adaptive management and force-flow reduction concepts could be one means of addressing those challenges in a Territory that had limited financial resources and lacked the capacity to absorb the impact of 20 years' growth in a 5-year time frame.

22. In June 2011, the Bureau of Economic Analysis published the second gross domestic product (GDP) estimates, which cover the period 2008-2009, for Guam and other United States Territories. Since 2009, in collaboration with the Department of the Interior's Office of Insular Affairs, under the Statistical Improvement Program, the Bureau has produced those estimates with the aim of providing a comprehensive, objective measure of economic activity in the Territories that could support economic and financial decisions. According to the Bureau, the long-term goal of the joint effort by the Bureau and the Office of Insular Affairs is to integrate Guam and the other United States Territories into the estimates of national GDP and the national income and product accounts, which is essential for better understanding the territorial economies.

23. According to the report of the Guam Comprehensive Economic Development Strategy, the Territory has seen a precipitous drop in revenues from three major sectors of the economy (tourism, military/federal and other). As a result of this drop, total Government revenues have dropped 49 per cent from $660 million in the mid-1990s to an estimated $340 million in 2003. This situation has led to very serious shortcomings in the delivery of basic public services and raises major concerns in respect of public safety, health, education and employment. Other economic indicators paint an equally dismal picture. Reduced Government expenditures have been unable to keep up with the needs of the island's shrinking economy.

B. Tourism

24. According to the report of the Guam Comprehensive Economic Development Strategy, Guam's tourism industry is the island's single largest economic sector. The industry generates approximately 60 per cent of Guam's annual business revenue. Visitor arrivals began to decline in 2001 and 2002 after years of continued growth. Tourist arrivals have struggled in the midst of a worldwide economic slump, compounded by the impact of the terrorist attack on the World Trade Center on 11 September 2001 and subsequent events, including two typhoons in 2002. Furthermore, the March 2011 earthquake and tsunami in Japan have added to the difficult situation facing Guam's tourism as a major source of revenue.

C. Transport and communications

25. Guam's road network is just less than 1,000 miles long. Of this, 420 miles of roadway are classified as "non-public". Out of the 550 miles of public roads, there

are approximately 144 miles of primary and some secondary roads. To maintain Guam's territorial highway system, the Government of Guam receives $18.4 million from the United States Department of Transportation and the Federal Highway Administration. From 2008 to 2011, the Government of Guam received $246 million from various federal allocations.

26. The Port Authority, which is a public corporation and an autonomous agency of the Government of Guam, administers the commercial port facilities at Apra Harbor, which is the entry point for 95 per cent of all goods entering Guam and serves as a trans-shipment centre for Micronesia. Three refurbished cranes from the Port of Los Angeles have been retrofitted and modified to enhance their productivity and handling capabilities. The 2030 Guam Transportation Plan, approved by the Guam legislature, became an official component of the island's Comprehensive Development Plan. The 2030 Guam Transportation Plan, which is a long-term strategy designed to improve Guam's transportation system, incorporates improvements of roadways and mass transportation, while accommodating pedestrians as well as bicycles. The Transportation Plan also addresses other issues such as the proposed military build-up.

27. Guam continues to serve as a major telecommunications hub for the Asia/Pacific rim. It has a modern digital telephone system, including cellular mobile service and local access to the Internet. The system is integrated with United States facilities for direct dialling, including the free use of "800" numbers.

D. Water system, sanitation and utilities

28. About three quarters of the Territory's water supply is provided by the Guam Waterworks Authority. The Government's water sources consist of groundwater and surface water (from the Ugum River). The remainder is located at air force and naval installations on Guam. The naval water source is a surface reservoir (Fena Lake) in the southern part of the island. The Guam Waterworks Authority is currently faced with acute problems, including increasing energy prices, the reliance on water purchases from the United States Navy, limited funding for infrastructure improvements, and operations conducted with limited financial and manpower resources. Additionally, the accelerated growth to be achieved through the military build-up continues to be a point of concern. The Authority's Capital Improvement Plan 2011-2015 is the first detailed plan for ensuring that the Authority continues to provide quality services. The Capital Improvement Plan estimates that the cost of the 2011-2015 projects will be $236 million. Examples of capital improvements include water production facilities, water distribution systems, wastewater collection systems, wastewater treatment plants and major one-time equipment acquisitions.

E. Agriculture and fisheries

29. The farming and fishing sectors are relatively well developed. The main types of produce are vegetables, citrus and tropical fruits, coconuts and sugar cane. The various divisions of the Department of Agriculture deal with animal and plant industry, agricultural development, forestry and soil resources and aquatic and wildlife resources.

30. At a 2009 meeting in Hawaii, the Western Pacific Regional Fishery Management Council recommended that the United States Department of Defense and the National Marine Fisheries Service investigate and address the issue of the impact of the ongoing military build-up on local fishing communities and that a mitigation and compensation plan be developed to assist those affected, including in Guam. No follow-up action has been reported thus far.

VI. Social conditions

A. Labour

31. The latest employment report from the Department of Labor, released by the Government of Guam in December 2011, showed an increase in the number of jobs in the Territory. The report underlined the fact that the major part of the increase occurred in services, particularly in the hotel sector, reflecting a recovery from the previous job drop following the earthquake in Japan.

32. According to the Guam Bureau of Labor Statistics, as of 18 July 2011, Guam's average household income for calendar year 2010 was $49,263, an increase of $3,477, or 7.1 per cent, from that of 2008, which was $45,786. Per capita income for 2010 was $12,864. The number of unemployed increased from 6,510 persons in September 2009 to 9,970 persons in March 2011, at which time Guam's unemployment rate was recorded at 13.3 per cent.

B. Education

33. Guam has an extensive public and private education system. The public education system includes the University of Guam and Guam Community College. The Guam Department of Education is responsible for nearly 30,000 students in 41 schools. There are approximately 25 private schools in Guam, including 2 business colleges, 5 high schools and a number of elementary schools, most of which are affiliated with Roman Catholic and Protestant religious denominations.

34. The Territory receives millions of dollars in federal funding each year to support programmes such as special education, summer school, the school lunch programme and the after-school Department of Education Extended Day programme. In January 2011, the United States Department of Education expressed its concern about a delay in the Government of Guam's procurement process, which might jeopardize nearly $90 million worth of federal funds which it had been supposed would bring building and technological improvements to Guam schools.

35. The cause of the delay turned out to be local procurement laws requiring that the offices of the Attorney General and the Governor sign off on contracts exceeding $500,000. To alleviate the congestion, the Attorney General's office assigned special assistant attorneys general to deal with the matter.

C. Health care

36. The estimated life expectancy of Guamanians is about 75 years for males and 81 years for females. The Guam Memorial Hospital Authority is the only civilian in-

patient medical facility that serves the public sector. The Authority has a capacity of 172 acute-care beds and 30 long-term care beds. The United States Naval Hospital primarily serves the military sector. There are three community/public health centres, one located in the north, one in the south and one in central Guam. Guam has 271 doctors and 92 medical clinics.

37. In 2010, the Guam Memorial Hospital was awarded $444,189 in federal grant funding under the United States Department of Health and Human Services Hospital Preparedness Program, designed to help the nation's hospitals and health-care systems respond to bioterrorism and other public-health emergencies. Through May, the Department of Health had received 12.08 per cent of the total federal spending for the year 2011.

VII. Environment

38. The Guam Environmental Protection Agency comprises five components: the Administrative Services Division, the Environmental Monitoring and Analytical Services Division, the Environmental Planning and Review Division, the Air and Land Programs Division and the Water Programs Division.

39. Guam continues to experience environmental problems related to the United States occupation during the Second World War and the atomic testing conducted by the administering Power in the Marshall Islands in the 1950s. Speaking at the 2011 Caribbean regional seminar conducted by the Special Committee, the representative of Guam pointed out that on an island of 212 square miles, there were a total of 95 toxic sites. While there had been some progress made towards clean-up by the Department of Defense, it was worrisome that 16 sites had long-term management status and that 9 sites were undergoing feasibility studies and under investigation to determine what future actions, if any, were required. Regarding the island's radiation exposure as a result of atomic bomb-related testing in the Marshall Islands in the 1950s, he pointed out that efforts to address the presence of radiation on Guam have not been undertaken by the Department of Defense. While the Pacific Association for Radiation Survivors continues to advocate for the inclusion of Guam claimants as downwinders under the Radiation Exposure Compensation Act of Congress, the island's claimants have been recognized only within the compensation category of on-site participants, a classification for which only those connected with military service on the island qualify, not the total exposed population.

40. As stated in the report of the Guam Comprehensive Economic Development Strategy, the Guam Environmental Protection Agency (EPA) conducts various programmes that monitor the status of the environment on a regular basis. United States Environmental Protection Agency regulations apply to Guam; but in some cases, Guam's own laws are more stringent than those of the United States. Guam is a relatively small and high-density island; hence its marine environment constitutes a key litmus test with respect to the overall environmental impact of human activity on the land. The quality of the marine waters has generally been found to be excellent across all indicators. At the confluence of the Pago River and its receiving marine waters, however, a high nitrate level is in evidence, which is in violation of federal Environmental Protection Agency standards. This has been attributed to nutrient loading by leachate from the island's Ordot landfill. Soil erosion, which is associated with construction activity or natural erosion, is an area of special concern

in southern Guam, since sedimentation has resulted in the destruction of coral reefs in areas adjacent to the mouths of rivers.

41. Solid-waste landfills are an area of concern in Guam, given the limited land area. Problems are being magnified as the standard of living changes and increases in population and industrial activity bring more goods and commodities to the island. To reduce the volume of garbage entering the Ordot dump, a policy was established that banned items like cardboard and organic waste. Through collaboration among community organizations, private businesses and the local government, some headway has been made in recycling solid waste, including through the creation by local businesses of the "i*recycle" programme designed to recycle aluminium cans, with the proceeds going to local schools. In addition to the issue of volume, there is that of potential contamination of Guam's primary water supply, the northern aquifer. In 2010, the United States Environmental Protection Agency issued a statement in response to the draft environmental impact statement of the Department of Defense, expressing concerns about how construction associated with the proposed military build-up may negatively affect the northern aquifer. Hazardous and toxic waste has a large potential for adversely impacting Guam's environment. In recent years, this potential has increased significantly, as evidenced by the growth in the number of on-island hazardous waste generators, and solid waste treatment, storage and disposal facilities.

42. Thirty-three per cent of the world's cyclones develop in the immediate area around Guam. Additionally, according to the Global Assessment of Soil Degradation, the area of degraded soil in the Pacific is extensive. In Guam, major road building on steep slopes has caused erosion and the resulting sedimentation has killed coral colonies on fringing reefs.

VIII. Relations with international organizations and partners

43. Guam has been an associate member of the Economic and Social Commission for Asia and the Pacific since 24 July 1981. The Territory is a member of the Secretariat of the Pacific Community, the Micronesian Chief Executives Summit, the Pacific Basin Development Council, the Pacific Islands Development Programme, the Pacific Asia Travel Association, and the South Pacific Regional Environment Programme. It also participates in the Pacific Islands Applied Geoscience Commission and the Pacific Community Coastal Fisheries Programme. In 2009, according to the administering Power, Guam expressed the wish to be allowed to have greater interaction with and acquire observer status at the Pacific Islands Forum. Guam has observer status in the Alliance of Small Island States. During the September 2011 meeting of the Pacific Islands Forum, held in Auckland, New Zealand, Guam was granted observer status in the Forum.

IX. Future status of the Territory

A. Position of the territorial Government

44. Developments regarding discussions on the future status of Guam are considered in section II above.

B. Position of the administering Power

45. In a letter dated 2 November 2006 addressed to the delegate of American Samoa to the United States House of Representatives, the Assistant Secretary of State for Legislative Affairs elaborated on the position of the Government of the United States, which was considered equally valid for 2010, on the status of American Samoa and other United States insular areas. In his letter, the Assistant Secretary of State indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue, and not one that came within the purview of the Special Committee. In the letter, the Assistant Secretary of State also noted that the Special Committee had no authority to alter in any way the relationship between the United States and those Territories, and no mandate to engage the United States in negotiations on their status. The letter further noted that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations, statistical and other information of a technical nature relating to the economic, social and educational conditions in the Territory, the Federal Government submitted annual updates on United States Territories to the Special Committee as a demonstration of United States cooperation as an administering Power and as a corrective to any errors in information that the Special Committee might have received from other sources.

X. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

46. At its 7th meeting, on 21 June 2011, the Special Committee heard statements made by petitioners from Guam, as reflected in the relevant summary record of the meeting (A/AC.109/2011/SR.7).

B. Special Political and Decolonization Committee (Fourth Committee)

47. At its 3rd meeting, on 4 October 2011, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly considered the question of Guam and heard statements by petitioners Edward Alvarez, Executive Director, Commission on Decolonization, Government of Guam, and Judith T. Won-Pat, representative of the Guam legislature (see A/C.4/66/SR.3 for an account of the discussion).

C. Action taken by the General Assembly

48. Pursuant to its examination of the relevant chapter of the report of the Special Committee for 2011 (A/66/23), the General Assembly, on 9 December 2011, adopted resolutions 66/89 A and B without a vote. In section VI of resolution 66/89 B, concerning Guam, the Assembly:

(a) Called once again upon the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the referendum of 1987 and as subsequently provided for in Guam law regarding Chamorro self-determination efforts, encouraged the administering Power and the territorial Government to enter into negotiations on the matter, and stressed the need for continued close monitoring of the overall situation in the Territory;

(b) Requested the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory, to continue to recognize and to respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam and to take all measures necessary to address the concerns of the territorial Government with regard to the question of immigration;

(c) Also requested the administering Power to assist the Territory by facilitating public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in that regard, called upon the relevant United Nations organizations to provide assistance to the Territory, if requested, and welcomed the recent outreach work by the territorial Government, including the convening in 2011 of a Chamorro forum;

(d) Further requested the administering Power to cooperate in establishing programmes for the sustainable development of the economic activities and enterprises of the Territory, noting the special role of the Chamorro people in the development of Guam;

(e) Welcomed the invitation to Guam in 2011 to become Pacific Islands Forum observer.